

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

NISUS CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 3:03-CV-120
)	(VARLAN/SHIRLEY)
PERMA-CHINK SYSTEMS, INC.,)	
)	
Defendant.)	

ORDER

This patent infringement action is before the Court for consideration of several motions and for entry of judgment pursuant to the findings of fact and conclusions of law entered contemporaneously herewith. First, the Court hereby **DENIES** defendant's motion for closing argument [Doc. 411].

For the reasons set forth in the Court's findings of fact and conclusions of law, the Court hereby **ENTERS JUDGMENT** in favor of defendant. The Court hereby **ADJUDGES UNENFORCEABLE** all claims of the United States Patent No. 6,426,095 B2.

In light of this judgment, the Court hereby **DENIES AS MOOT** plaintiff's motion for summary judgment based on infringement by defendant's Guardian product [Doc. 258] and plaintiff's motion for summary judgment of non-validity based on enablement [Doc. 259]. The Court hereby **DENIES AS MOOT** plaintiff's objections to the Magistrate Judge's *Markman* Report and Recommendation [Doc. 252] and **DECLINES TO ACCEPT OR REJECT** the Magistrate Judge's report and recommendation [Doc. 244]. *See Baxter Int'l*

v. McGaw, Inc., 149 F.3d 1321, 1334 (Fed. Cir. 1998). The Court hereby **DENIES** defendant's request for attorneys' fees and litigation costs and **DENIES AS MOOT** plaintiff's request for attorneys' fees and litigation costs.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE